

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PRESCOTT

THIS AGREEMENT is entered into 28 February, 2000,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION
(the "State") and the CITY OF PRESCOTT, acting by and through its MAYOR and CITY
COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Sections 28-401, 9-240 and 11-952 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.
3. The construction of the Prescott Gateway Mall will result in increased traffic on SR-69. The State and the City have agreed to participate in widening of the roadway from approximately MP 293 4 to MP 293 6, at a cost to the State of not to exceed \$105,000.00. The parties agree the City will be the lead agency for the project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

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NO 23860
Filed with the Secretary of State
Date Filed: 02/28/2000
Ruthie Gayles
Secretary of State
S. Vicky D. Greenwood

II. SCOPE

1. The City will:

a. Provide to State standards design plans, specifications and such other documents and services required for the SR-69 improvement project suitable for construction bidding and construction. Incorporate or resolve State review comments.

b. Upon filing of this agreement with the Secretary of State, invoice the State in the amount of \$105,000.00 for the States share of the cost of the SR-69 improvement project.

c. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation.

d. Upon completion, approve and accept the project improvements as complete, and provide maintenance to the sidewalks, whether within or outside of the State right-of-way.

2. The State will:

a. Review the design documents and provide comments.

b. Within 30 days after receipt and approval of an invoice, pay the City \$105,000.00 as the States share of the cost of the SR-69 improvement project.

c. Upon completion and acceptance of the project by the City, provide maintenance to the project within the State right-of-way, except for sidewalks.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said payment and improvements, provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of performance under this agreement, upon thirty (30) days written notice to the other party.

2. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

5. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

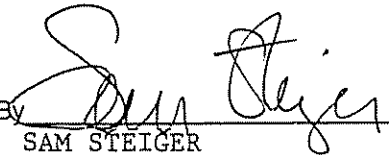
City of Prescott
City Manager
Box 2059
Prescott, AZ 86302

6. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PRESCOTT

STATE OF ARIZONA
Department of Transportation

By 
SAM STEIGER
Mayor

By 
WILLIAM J. HIGGINS
Deputy State Engineer

ATTEST

By 
MARIE WATSON
City Clerk

#00-026

RESOLUTION

BE IT RESOLVED on this 19th day of July 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Prescott for the purpose of defining responsibilities for the design, construction and maintenance of an improvement project to SR-89 @ Gateway Mall.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

RESOLUTION NO. 3230

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AUTHORIZING THE CITY OF PRESCOTT TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF STATE ROUTE 69, MILEPOST 293.4 TO MILEPOST 293.6, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE.

WHEREAS, the Arizona Department of Transportation assists in the funding of widening of state roadways within municipalities; and

WHEREAS, a portion of State Route 69 is located within the corporate limits of the City of Prescott; and


WHEREAS, the parties have deemed it to be in the public interest for State Route 69 to be widened between Milepost 293.4 and 293.6.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

SECTION 1. THAT, the City of Prescott hereby approves the attached Intergovernmental Agreement with the Arizona Department of Transportation for the widening of State Route 69, attached hereto as Exhibit "A".

SECTION 2. THAT, the Mayor and Staff are hereby authorized to execute the attached Intergovernmental Agreement and to take any and all steps deemed necessary to accomplish the above.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott, Arizona, this 8th day of FEBRUARY, 2000.


SAM STEIGER, Mayor

ATTEST:


MARIE L. WATSON, City Clerk

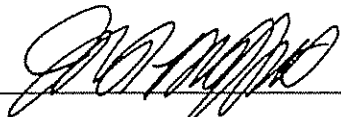
APPROVED AS TO FORM:


JOHN R. MORFITT, City Attorney

APPROVAL OF THE PRESCOTT CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF PRESCOTT and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 8th day of FEBRUARY, 2000, ~~1999~~.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-1789TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED February 18, 2000.

JANET NAPOLITANO
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/612573

Enc.